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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212137
Party	Plaintiff New York Yankees Partnership
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEALS BOARD

In re Application Serial No. 79/096,466  
Filed: July 16, 2010  
For Mark: NEWYORKER (Stylized)  
Published in the Official Gazette: Feb. 19, 2013

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NEW YORK YANKEES PARTNERSHIP,  
Opposer,

v.

NEW YORKER S.H.K. JEANS GMBH & CO. KG,  
Applicant.  
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Opposition No. 91212137

Commissioner for Trademarks  
Attn: Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**MOTION ON CONSENT TO AMEND APPLICATION AND,  
IF ACCEPTED, TO WITHDRAW THE OPPOSITION ON CONSENT**

Pursuant to Rule 2.133 of the Trademark Rules of Practice, Applicant respectfully requests that the descriptions of goods in the above-captioned application be amended by adding the bolded language “; all the foregoing not relating to professional baseball or identifying a baseball team, a baseball league, a mascot for a baseball team or a baseball stadium” to the end of each of the descriptions of goods, which should now read:

EYE GLASSES, PARTICULARLY SUNGLASSES, SPORTS GLASSES, SKI GLASSES, FRAMES FOR EYE GLASSES, ELECTRONIC DATA CARRIERS, NAMELY, PRE-RECORDED DATA CARRIERS FEATURING MUSIC; TONE CARRIERS OF ALL KINDS, NAMELY, PHONOGRAPHS DISCS FEATURING MUSIC, PHONOGRAPH RECORDS FEATURING MUSIC, SOUND RECORDINGS FEATURING MUSIC, PHONOGRAPH TAPES FEATURING MUSIC, PRE-RECORDED AUDIO DISCS FEATURING MUSIC, SOUND RECORDINGS, PRE-RECORDED AUDIO

TAPES FEATURING MUSIC, PRE-RECORDED VIDEO DISCS  
FEATURING MUSIC, PRE-RECORDED VIDEO TAPES FEATURING  
MUSIC, PRE-RECORDED COMPACT DISKS FEATURING MUSIC, PRE-  
RECORDED DVDS FEATURING MUSIC; **ALL THE FOREGOING NOT  
RELATING TO PROFESSIONAL BASEBALL OR IDENTIFYING A  
BASEBALL TEAM, A BASEBALL LEAGUE, A MASCOT FOR A  
BASEBALL TEAM OR A BASEBALL STADIUM** in International Class 9;

COSTUME JEWELLERY; HOROLOGICAL AND CHRONOMETRIC  
INSTRUMENTS; WATCH STRAPS; **ALL THE FOREGOING NOT  
RELATING TO PROFESSIONAL BASEBALL OR IDENTIFYING A  
BASEBALL TEAM, A BASEBALL LEAGUE, A MASCOT FOR A  
BASEBALL TEAM OR A BASEBALL STADIUM** in International Class 14;

BAGS, NAMELY, TRAVELLING BAGS, BACKPACKS, SHOULDER  
BAGS, HANDBAGS, PURSES, ALL-PURPOSE CARRYING BAGS;  
SPORTS BAGS, SCHOOL BAGS; **ALL THE FOREGOING NOT  
RELATING TO PROFESSIONAL BASEBALL OR IDENTIFYING A  
BASEBALL TEAM, A BASEBALL LEAGUE, A MASCOT FOR A  
BASEBALL TEAM OR A BASEBALL STADIUM** in International Class 18;

CLOTHING, NAMELY, LONG TROUSERS, JEANS, PANTS, SLACKS,  
SHORT TROUSERS, SHORTS, BOXER SHORTS, 3/4 LENGTH  
TROUSERS, SLACKS WITH STRAP UNDER FOOT, CULOTTES,  
BLOUSES, DRESSES, SWEATERS, SHIRTS, SHORT-SLEEVED SHIRTS,  
T-SHIRTS, LONG-SLEEVED SHIRTS, SOCKS; FOOTWEAR, HEADGEAR,  
NAMELY, HATS, CAPS, HEAD KERCHIEFS; OUTERWEAR FOR  
GENTLEMEN AND LADIES, NAMELY, WAISTCOATS, JACKETS,  
DENIM JACKETS, COATS, TUNICS, BLAZERS, LOUNGING JACKETS,  
BOMBER JACKETS, OVERALLS, DUNGAREES; UNDERWEAR;  
UNDERGARMENTS; BELTS, SCARVES, GLOVES, BATHING FASHION  
FOR GENTLEMEN AND LADIES, NAMELY, BEACHWEAR, SWIM  
WEAR, BATHING SUITS, SWIMSUITS AND BATHING TRUNKS;  
LEISURE AND CITY SHOES FOR GENTLEMEN AND LADIES; **ALL  
THE FOREGOING NOT RELATING TO PROFESSIONAL BASEBALL  
OR IDENTIFYING A BASEBALL TEAM, A BASEBALL LEAGUE, A  
MASCOT FOR A BASEBALL TEAM OR A BASEBALL STADIUM** in  
International Class 25;

It is respectfully submitted that these amendments do not require republication as the  
amendments of the description of goods narrow rather than broaden the scope of the application.

Opposer has consented to the above amendments. If the amendments are approved by the Board, Opposer, with Applicant's consent, requests that the opposition be withdrawn without prejudice.

### CONCLUSION

Applicant respectfully requests that this request to amend the application be granted in its entirety.

Dated: 9/19, 2013

Respectfully submitted,

EPSTEIN DRANGEL LLP

*Attorneys for Applicant*

By: 

William C. Wright, Esq.

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CONSENTED TO:

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on September 20, 2013, I caused a true and correct copy of the foregoing Motion on Consent to Amend the Application and, if Accepted, to Withdraw the Opposition on Consent, to be sent via First Class Mail, postage prepaid, to Applicant's Attorney and Correspondent of Record, William C. Wright, Esq., Epstein Drangel LLP, 60 East 42nd Street, Suite 2410, New York, NY 10165.

/Lisa M. Willis/

Lisa M. Willis